

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS**

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| <b>CRAIG CUNNINGHAM,</b><br><b>Plaintiff,</b><br><br><b>v.</b><br><br>Credit Corp Solutions Inc., John/Jane Does<br><br>1-5<br><br><b>Defendants.</b> | §<br>§<br>§<br>§<br>§ Civil Action No. 4:19-cv-00864<br>§<br>§<br>§<br>§ |
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**PLAINTIFF’S ORIGINAL COMPLAINT**

1. The Plaintiff hereby files this lawsuit against Credit Corp Solutions Inc., and John/Jane Does 1-5.
2. The Plaintiff is Craig Cunningham, a natural person who can be served at 3000 Custer Road, Ste 270-206, Plano, Texas 75075.
3. Credit Corp Solutions Inc. (hereinafter “Credit Corp”) is a Utah corporation who can be served via registered agent Corporation Services Company 15 West South

Temple Suite 600, Salt Lake City, Utah 84101.

4. John/Jane Does 1-4 are other liable parties currently unknown to the Plaintiff.

### **Jurisdiction and Venue**

5. Jurisdiction of this court arises as the acts happened and the Plaintiff lives and works in this District. *Tex. Civ. Prac. & Rem. Code § 17.042; see also 47 USC 227(b)*.
6. Venue in this District is proper in that the Defendant(s) transact business here and the acts and transactions occurred here. *47 USC 227(b)*.

### **FACTUAL ALLEGATIONS**

7. Plaintiff received a call from Defendant Credit Corp on November 18, 2019 and was induced to answer the phone relying upon a spoofed caller ID number.
8. Upon Plaintiff answering the phone, Plaintiff soon realized the November 18, 2019 call was seeking to collect an alleged debt owed to Walmart.
9. During the above mentioned November 18, 2019 call between Plaintiff and Defendant Credit Corp Plaintiff is informed that his contact information was retrieved from one of several possible online databases.
10. Defendant Credit Corp was seeking to collect a debt on behalf of Walmart owed

by a Emanuel Espinoza, born May 14, 1987.

11. The call to Plaintiff on November 18, 2019 appears to have been initiated using an automated telephone dialing system evidenced by Defendant Credit Corp's admission Plaintiff's contact information was retrieved from a stored database and the presence of an audible tone prior to Plaintiff being live transferred to a supervising agent.

## **CAUSES OF ACTION**

### **COUNT I**

#### **Violations of the Telephone Consumer Protection Act (hereinafter "TCPA")**

12. Plaintiff Craig Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
13. The foregoing actions by the Defendants constitute breach of the TCPA by initiating call(s) using an automated telephone dialing system for a non-emergency purpose. These actions violate *47 USC 227(b)* and entitle Plaintiff to \$1,500.00 (fifteen hundred dollars) per call in damages as these were willful actions.

### **COUNT II**

**Violations of the Fair Debt Collection Practices Act (hereafter “FDCPA”) 15  
USC 1681 et.**

14. Plaintiff Craig Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
15. The forgoing actions by the Defendants constitute breach of the FDCPA by placing unsolicited and unwelcome telephone call(s) to the Plaintiff’s cell phone and by making false or misleading representations to induce Plaintiff to answer the phone.

**COUNT III**

**Violations of the Texas Finance Code 392**

16. Plaintiff Craig Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
17. The foregoing actions by the Defendants constitute breach of the Texas Finance Code 392 by placing unsolicited and unwelcome telephone calls to the Plaintiff’s cell phone and by making false and misleading representations likely to deceive a consumer.

## **COUNT IV**

### **Violations of the Texas Business and Commerce Code 305.053**

18. Plaintiff Craig Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
19. The foregoing actions by the Defendants constitute breach of the *Texas Business and Commerce Code 305.053* by violating the TCPA 47 USC 227.

## **PRAYER FOR DAMAGES AND RELIEFS**

**WHEREFORE**, Plaintiff Craig Cunningham, respectfully prays and requests that judgement be entered against each and every Defendant for the following:

1. Statutory damages of \$3,000.00 (three thousand dollars) for each phone call in violation of the TCPA.
2. Statutory damages in the amount of \$1,500.00 (fifteen hundred dollars) for violations of the Texas Business and Commercial Code.

3. Damages of \$5,000.00 (five thousand dollars) per violation of the Texas Finance Code 392.

4. Punitive Damages of \$25,000.00 (twenty five thousand dollars) for violations of the Texas Finance Code and FDCPA.

5. Actual damages as determined by a judge/jury.

6. Pre-judgment interest from the date of the phone calls at issue.

Respectfully submitted:

/s/ Leland McRae

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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of Plaintiff's Original Complaint was served on all named Defendant(s), to include Credit Corp Solutions Inc. who can be served via registered agent Corporation Services Company 15 West South Temple Suite 600, Salt Lake City, Utah 84101.

/s/ Leland McRae

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Leland McRae

Attorney for Plaintiff